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BMS PATENT DEPT

NO. 5691 P. 1



**Bristol-Myers Squibb Company**

Worldwide Medicines Group  
P.O. Box 4000 Princeton, NJ 08543-4000

DATE: June 29, 2006

FACSIMILE TRANSMITTAL COVER SHEET

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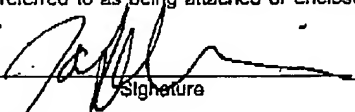
TO: USPTO  
FAX: 1-571-273-8300  
NO. OF PAGES: 3 (INCLUDING FAX TRANSMITTAL SHEET)  
FROM: John A. Lamerdin, Ph.D.  
FAX #: (609) 252-4526  
PHONE #: (609) 252-3575  
RE: U.S. Appln. Serial No.: 10/663,002  
Attorney Docket No. D0295 NP

Comments: Please see the attached:

Response to Restriction Requirement

*Should you not receive all pages of this facsimile, please contact Joyce Whitflow at 609-252-3597*

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<u>John A. Lamerdin, Ph.D.</u> Type or print name	 Signature	<u>June 29, 2006</u> Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
IN RE APPLICATION OF Art Unit: 1636  
MUKHERJEE ET AL Examiner: DUNSTON, DR. JENNIFER A.  
APPLICATION NO: 10/663,002  
FILED: SEPTEMBER 16, 2003  
FOR: ASSAY FOR PPAR LIGAND DEPENDENT GENE MODULATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Restriction Requirement mailed May 30, 2006 having a term that expires on June 30, 2006. The instant paper is, therefore, timely filed.

The Patent Office is requiring restriction to one of the following allegedly distinct inventions:

Group 1. Claims 1-5, which the Patent Office characterizes as being drawn to a method of identifying a peroxisome proliferators activated receptor modulator, comprising measuring the level of an mRNA transcript of a PPAR responsive gene;

Group 2. Claims 6-10, drawn to a method of identifying a peroxisome proliferators activated receptor modulator, comprising measuring the level of protein expression of a PPAR responsive gene; and

Group 3. Claims 11-16, drawn to a method of identifying a peroxisome proliferators activated receptor modulator, comprising measuring the functional activity of a protein encoded by a PPAR responsive gene.

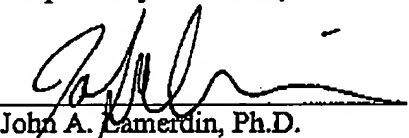
Although applicants disagree with the need for a Restriction Requirement in the present case, in an effort to advance prosecution, applicants provisionally elect Group 1, claims 1-5, which the Patent Office characterizes as being drawn to a method of identifying a peroxisome proliferators activated receptor modulator, comprising measuring the level of an mRNA transcript of a PPAR responsive gene, for prosecution at this time. Applicant reserves the right to file one or more patent applications directed to non-elected subject matter.

It is believed that no fee is due associated with the filing of the instant paper. If any fee is due in connection the filing of the present response, however, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time is required, such extension is hereby petitioned for, and it is requested that any fee due for such an extension be charged to the above-stated Deposit Account.

If the Examiner wishes to discuss any aspect of this case, the Examiner is respectfully requested to telephone applicant's attorney at the telephone number listed below.

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-3575  
Date: June 29, 2006

Respectfully submitted,

  
John A. Camardin, Ph.D.  
Attorney for Applicants  
Reg. No. 44,858